

House Amendment 8241

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1 1 Amend House File 2651 as follows:
1 2 #1. Page 8, by inserting after line 19 the
1 3 following:
1 4 <Sec. _____. Section 331.382, subsection 8,
1 5 unnumbered paragraph 2, Code 2007, is amended to read
1 6 as follows:
1 7 However, the board may assume and exercise the
1 8 powers and duties of a governing body under chapter
1 9 357, 357A, 357B, 358 or chapter 468, subchapter III,
1 10 if a governing body established under one of those
1 11 chapters has insufficient membership to perform its
1 12 powers and duties, and the board, upon petition of the
1 13 number of property owners within a proposed district
1 14 and filing of a bond as provided in section 357A.2,
1 15 may establish a service district within the
1 16 unincorporated area of the county and exercise within
1 17 the district the powers and duties granted in chapter
1 18 357, 357A, 357B, 357C, 357I, 358, 359, 384, division
1 19 IV, or chapter 468, subchapter III.>
1 20 #2. Page 9, by inserting after line 19 the
1 21 following:
1 22 <Sec. _____. NEW SECTION. 357I.1 DEFINITIONS.
1 23 As used in this chapter, unless the context
1 24 otherwise requires:
1 25 1. "Board" means the board of supervisors of a
1 26 county.
1 27 2. "Book", "list", "record", or "schedule" kept by
1 28 a county auditor, assessor, treasurer, recorder,
1 29 sheriff, or other county officer means the county
1 30 system as defined in section 445.1.
1 31 3. "District" means a benefited secondary road
1 32 services district.
1 33 4. "Trustee" means a trustee of a district.
1 34 Sec. _____. NEW SECTION. 357I.2 PETITION FOR
1 35 PUBLIC HEARING.
1 36 1. The board shall, on the petition of twenty-five
1 37 percent of the resident property owners in a proposed
1 38 district if the assessed valuation of the property
1 39 owned by the petitioners represents at least
1 40 twenty-five percent of the total assessed value of the
1 41 proposed district, hold a public hearing concerning
1 42 the establishment of a proposed district. The
1 43 petition shall include a statement containing the
1 44 following information:
1 45 a. The need for secondary road services.
1 46 b. The district to be served.
1 47 c. The approximate number of families in the
1 48 district.
1 49 d. A general description of the secondary road
1 50 services to be provided in the district.
2 1 2. The board may require a bond of the petitioners
2 2 conditioned for the payment of all costs and expenses
2 3 incurred in the proceedings in case the district is
2 4 not established.
2 5 Sec. _____. NEW SECTION. 357I.3 LIMITATION ON
2 6 AREA.
2 7 A district may include all or parts of the
2 8 unincorporated areas of one township and any
2 9 unincorporated areas of adjoining townships or parts
2 10 of adjoining townships.
2 11 Sec. _____. NEW SECTION. 357I.4 TIME OF HEARING.
2 12 The public hearing required in section 357I.2 shall
2 13 be held within thirty days of the presentation of the
2 14 petition. Notice of hearing shall be given by
2 15 publication in two successive issues of any newspaper
2 16 of general circulation within the district. The last
2 17 publication shall be not less than one week before the
2 18 proposed hearing.
2 19 Sec. _____. NEW SECTION. 357I.5 ACTION BY BOARD.
2 20 After, and within ten days of, the hearing, the
2 21 board shall either establish the district by
2 22 resolution or disallow the petition.
2 23 Sec. _____. NEW SECTION. 357I.6 ENGINEER.
2 24 1. When the board establishes a district, the

2 25 board shall appoint a competent disinterested civil
2 26 engineer, who shall prepare a preliminary plat
2 27 showing:
2 28 a. The proper design in general outline of the
2 29 district.
2 30 b. The lots and parcels of land within the
2 31 proposed district as they appear on the county
2 32 auditor's plat books with the names of the owners.
2 33 c. The assessed valuation of the lots and parcels.
2 34 2. The compensation of the engineer on the
2 35 preliminary investigation shall be determined by the
2 36 board. The engineer shall file a report with the
2 37 county auditor within thirty days of appointment. The
2 38 board may extend the time upon good cause shown.
2 39 Sec. _____. NEW SECTION. 357I.7 HEARING ON
2 40 ENGINEER'S REPORT.
2 41 After the engineer's report is filed, the board
2 42 shall give notice, as provided in section 357I.4, of a
2 43 public hearing to be held concerning the engineer's
2 44 preliminary plat.
2 45 Sec. _____. NEW SECTION. 357I.8 ELECTION ON
2 46 PROPOSED LEVY AND CANDIDATES FOR TRUSTEES.
2 47 When a preliminary plat has been approved by the
2 48 board, an election shall be held within the district
2 49 within sixty days to approve or disapprove the levy of
2 50 a tax not to exceed in any fiscal year one dollar per
3 1 thousand dollars of assessed value on all the taxable
3 2 property within the district and to choose candidates
3 3 for the offices of trustees of the district. Notice
3 4 of the election, including the time and place of
3 5 holding the election, shall be given as provided in
3 6 section 357I.4. The vote shall be by ballot which
3 7 shall state clearly the proposition to be voted upon
3 8 and any registered voter residing within the district
3 9 at the time of the election may vote. It is not
3 10 mandatory for the county commissioner of elections to
3 11 conduct elections held pursuant to this chapter, but
3 12 the elections shall be conducted in accordance with
3 13 chapter 49 where not in conflict with this chapter.
3 14 Judges shall be appointed to serve without pay by the
3 15 board from among the registered voters of the district
3 16 to be in charge of the election. The proposition is
3 17 approved if sixty percent of those voting on the
3 18 proposition vote in favor of it.
3 19 Sec. _____. NEW SECTION. 357I.9 TRUSTEES == TERM
3 20 AND QUALIFICATION.
3 21 At the election, the names of up to three
3 22 candidates for trustee shall be written in by the
3 23 voters on blank ballots without formal nomination and
3 24 the board shall appoint three from among the five
3 25 receiving the highest number of votes as trustees for
3 26 the district. One trustee shall be appointed to serve
3 27 for one year, one for two years, and one for three
3 28 years. The trustees and their successors must be
3 29 residents of the district and shall give bond in the
3 30 amount required by the board, the premium of which
3 31 shall be paid by the district. Vacancies shall be
3 32 filled by election, but if there are no candidates for
3 33 a trustee office, the vacancy may be filled by
3 34 appointment by the board. The term of succeeding
3 35 trustees shall be three years.
3 36 Sec. _____. NEW SECTION. 357I.10 TRUSTEES' POWERS.
3 37 The trustees may contract with the county for road
3 38 paving, reconstruction, or maintenance services not
3 39 otherwise provided by the county on roads within the
3 40 district and may certify for levy an annual tax as
3 41 provided in section 357I.8. The trustees may purchase
3 42 material and perform all other acts necessary to
3 43 properly maintain and operate the district. The
3 44 trustees are allowed necessary expenses in the
3 45 discharge of their duties, but they shall not receive
3 46 a salary.
3 47 Sec. _____. NEW SECTION. 357I.11 BONDS IN
3 48 ANTICIPATION OF REVENUE.
3 49 A district may anticipate the collection of taxes
3 50 by the levy authorized in this chapter, and to carry
4 1 out the purposes of this chapter may issue bonds
4 2 payable in not more than ten equal installments with
4 3 the rate of interest not exceeding that permitted by
4 4 chapter 74A. An indebtedness shall not be incurred
4 5 under this chapter until authorized by an election.

4 6 The election shall be held and notice given in the
4 7 same manner as provided in section 357I.8, and the
4 8 same sixty percent vote shall be necessary to
4 9 authorize indebtedness. Both propositions may be
4 10 submitted to the voters at the same election.
4 11 Sec. ____ NEW SECTION. 357I.12 DISSOLUTION OF
4 12 DISTRICT.
4 13 Upon petition of thirty-five percent of the
4 14 resident eligible electors, the board may dissolve a
4 15 district and dispose of any remaining property, the
4 16 proceeds of which shall first be applied against
4 17 outstanding obligations and any balance shall be
4 18 applied to tax credit of property owners of the
4 19 district. However, if the district is annexed, the
4 20 board of supervisors may transfer the remaining
4 21 property and balance to the city which annexed the
4 22 territory. The board shall continue to levy a tax
4 23 after dissolution of a district, of not to exceed
4 24 twenty-seven cents per thousand dollars of assessed
4 25 value on all the taxable property of the district,
4 26 until all outstanding obligations of the district are
4 27 paid.
4 28 Sec. ____ NEW SECTION. 357I.13 INCORPORATION OF
4 29 DISTRICT LAND.
4 30 If part of a district is incorporated by a city and
4 31 there are outstanding indebtedness obligations against
4 32 the district, the city shall pay the outstanding
4 33 obligations against the part of the district which is
4 34 incorporated by the city.
4 35 Sec. ____ NEW SECTION. 357I.14 ADDING PROPERTY
4 36 TO DISTRICT.
4 37 The owner of any property in an unincorporated area
4 38 contiguous to the boundaries of an established
4 39 district may petition the board to be included in the
4 40 district. Upon receipt of the petition, the board
4 41 shall submit the request to a competent disinterested
4 42 civil engineer to investigate the feasibility of
4 43 adding the additional territory and to make a report
4 44 to the board. If the board agrees that the property
4 45 should be added to the district, the tax levy for the
4 46 next year shall be applied to the property and on the
4 47 first day of the next fiscal year the property shall
4 48 become a part of the district. If the district lies
4 49 in more than one county the joint action of the boards
4 50 involved is required to add additional territory.
5 1 Sec. ____ NEW SECTION. 357I.15 DETERMINATION OF
5 2 FEE.
5 3 1. The owner of any property joining an
5 4 established district shall pay to the trustees of the
5 5 district an initial fee to be computed as follows:
5 6 a. The trustees shall first determine fair market
5 7 value of all property and improvements owned by the
5 8 district, less the amount of debt incurred by the
5 9 district, if any.
5 10 b. The board shall then determine the assessed
5 11 value of all property in the district. This shall be
5 12 divided into the value determined in paragraph "a".
5 13 c. The board shall determine the assessed value of
5 14 the property of each landowner joining the established
5 15 district.
5 16 d. The result obtained in paragraph "b" shall be
5 17 multiplied by the result obtained in paragraph "c".
5 18 The result shall be the initial fee to be charged each
5 19 landowner.
5 20 2. The initial fees paid to the trustees shall be
5 21 used to help defray the cost of the district's
5 22 secondary road services.
5 23 #3. Title page, lines 2 and 3, by striking the
5 24 words <by the department of transportation>.
5 25 #4. Title page, line 16, by inserting after the
5 26 word <facilities,> the following: <establishment of
5 27 benefited secondary road services districts,>.
5 28 #5. By renumbering as necessary.
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5 32 _____
5 32 HUSER of Polk
5 33 HF 2651.704 82
5 34 dea/sc/10717

